

CITY OF SUMPTER  
ORDINANCE NO 2021-2

AN ORDINANCE REGULATING THE USE AND CONSTRUCTION OF COMMUNITY AND ON-SITE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, SEWER CONNECTION FEES, THE DISCHARGES OF WATER AND WASTES INTO THE COMMUNITY AND ON-SITE SEWER SYSTEMS, PROVIDING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCE 2020-2; IN THE CITY OF SUMPTER, COUNTY OF BAKER, STATE OF OREGON.

THE CITY OF SUMPTER, COUNTY OF BAKER, STATE OF OREGON, ORDAINS AS FOLLOWS:

ARTICLE I. DECLARATION OF INTENT

The City of Sumpter, hereinafter called City, in a further desire to define its responsibilities and the responsibilities of property owners to the community sewer system and on-site sewer systems and the availability of the system and requirements for its use of its residents, sets out the following requirements:

ARTICLE II. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance and Users Charge Ordinance shall be as follows:

1. "Commercial Buildings" shall mean all buildings or premises used for any purpose other than a residence or multiple residence building.
2. "Person" shall mean any individual, company, firm, association, society, corporation, or group. The singular includes the plural.
3. "Building Sewer": as defined by the Oregon Plumbing Specialty Code, shall mean that part of the system of drainage piping that conveys sewage into an interceptor tank, cesspool or other treatment unit that begins 5 feet outside the building or structure within which the sewer originates.
4. "Residence" shall mean a building or structure constructed and primarily for family residential purposes, including but not limited to single family structures, structures which provide for two or more families and mobile homes.
5. "Community Sewer System": shall mean all "Public Sewers" operated under the City's authority.
6. "Interceptor Tank" shall mean a two-compartment tank installed between the building sewer and the community sewer system. "STEG" system is a gravity system. "STEP" system is a pumping system.
7. "Public Treatment Works" shall mean any treatment works operated by the City including interceptor tanks, holding ponds or irrigation systems.
8. "On-Site System" shall mean a septic tank and drain field or mounded or other collection, treatment and disposal system that is initiated and completed on private property and is not connected to the Community Sewer System.
9. "Sludge" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration of flows during normal operation.
10. "Storm Drain" shall mean a drainage system which carries storm and surface waters and drainage but excludes

sewage and industrial wastes and other polluted water.

11. "Public Sewer" shall mean the community sewer system.

12. "Public Works Employee" shall mean the City employee authorized to act on behalf of the City regarding the community sewer system. This individual acts in accordance with direction from the City Council.

13. "Sewage" shall mean water-carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration, surface waters or industrial waste, may be present.

14. "Effluent Sewer" shall mean that part of the community sewer system located between an interceptor tank and a street sewer.

15. "Building Drain" as defined by the Oregon Plumbing Specialty Code, shall mean the part of the lowest piping of a drainage system that 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 building wall.

16. "User" shall mean any property, that has City Sewer Service.

### ARTICLE III. USE AND INSTALLATION OF SEWER SYSTEM

Section 1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Sumpter any sewage, or human excrement.

Section 2. It shall be unlawful to discharge to any natural outlet or stream, within the City or in any area under the jurisdiction of the City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. 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 except as provided in this ordinance and approved by the City, or as approved by Oregon Department of Environmental Quality.

Section 4. Except as stated in Section 6 below, the owner of any commercial building or residence used for human occupancy, employment, recreation or any other purpose, abutting an available City sanitary sewer line, is required at their own expense to have installed a "STEG/STEP" system and connect such facility to the public sewer in accordance with the provisions of this ordinance, within thirty days after date of official notice from the City to do so, except as otherwise herein provided.

Section 5. Upon the failure of the owner to connect his premises to the City sewer system as required by this ordinance, the City, after giving said owner an opportunity to be heard before the City Council, may proceed to connect said premises to the City sewer system. In accordance with the same procedure as if owner were connecting as provided in this ordinance. The cost thereof shall be charged against and become a lien upon said property and may be recovered by action of law or may be certified for collection by the tax collector as provided in ORS 224 and 454. In addition, thereto, any person failing to comply with the written notice mentioned in Article III, Section 4 hereof shall be in violation of the provisions of this ordinance and subject to the penalties. For purposes of maintenance and installation by the City upon the failure of an owner to connect as required by this ordinance, the City shall have the right to enter said premises for purposes of construction and maintenance of any facilities necessary to install the Interceptor/STEG/STEP system and thereafter maintain the same as in reasonably required for such purposes.

Section 6. During the initial construction phase of the treatment system, it shall be the responsibility of the property owner to arrange for and pay City approved licensed contractor to install suitable facilities from outflow of interceptor tank to point of City sewer connection subject to the permit provisions contained in Section 2 of this Article.

Section 7. Approved contractor shall use appropriate backfill material approved by the City.

Section 8. The City may refuse connection, require pretreatment of wastewater, or discontinue service when such action is deemed necessary in order to prevent discharges into the system which would be harmful to it.

#### ARTICLE IV. ON-SITE SEWER SYSTEM

Section 1. Where a community sewer system is not available, the building sewer shall be connected to an on-site disposal system, complying with the provisions of the Article and the laws of the State of Oregon and the County of Baker and approved by the City. The interceptor tank must comply with City specifications for future hook-up to the community sewer system.

Section 2. Before commencement of construction of an on-site sewer disposal system, which includes repair, alteration or expansion of any existing system, the owner shall first obtain a written permit from the State of Oregon, Department of Environmental Quality, or equivalent agency, as may be required.

Section 3. At such time as a community sewer becomes available to the property served by an on-site sewage system, or upon failure of current system, a direct connection through an interceptor tank shall be made to the community sewer in compliance with this ordinance and as determined necessary by action of the City. At any time, any septic tanks, cesspools, and similar private sewage disposal facilities that do not meet requirements of the ordinance shall be abandoned, removed and/or filled in within one year in accordance with the State law at no expense to the City.

Section 4. No statement contained in this Article shall be construed to interfere with any additional requirement that may be imposed by the State of Oregon Department of Environmental Quality.

#### ARTICLE V. COMMUNITY SEWER SYSTEM CONNECTIONS

Section 1. The community sewer system as presently designed is limited in capacity for both initial hook-ups and flow through the system. All connections to the community sewer system shall be permitted only after the City has determined that there is a demonstrated need for such connection. No connections shall be allowed outside the corporate city limits without written consent of the City.

Section 2. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any community sewer or property of the City relating to the community sewer system, without first obtaining a permit from the City of Sumpter. In addition to any requirements of the State of Oregon, the permit application shall include any plans, specification, and easements to such form prescribed by the City, granting access for installation and maintenance for the Interceptor STEG/STEP system. A permit inspection fee per residential or commercial building shall be paid to the City at the time the application is filed. Fee shall be set by resolution.

Section 3. All costs and expenses incident to the installation and connection of the building sewer to the community system shall be borne by the property owner, including the costs of all interceptor tanks, or connecting lines that need to be installed to service the property. The property owner shall reimburse the City for any loss or damage that may directly or indirectly occurred from the installation of the building sewer.

Section 4. Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest sewer drain. 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 or from the interceptor tank and public sewer system at no cost to the City.

Section 5. No person shall make connection of roof downspouts, exterior foundation drains, area 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 the public sewer.

Section 6. The connection of the building sewer into the interceptor tank and community sewer system shall conform to the requirements of the State of Oregon Department of Environmental Quality, and the City.

Section 7. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection shall be under the supervision of the City's representative or the Public Works employee, as well as any inspection from other governmental agencies. No piping, fitting, or tankage shall be backfilled or covered in any way until the Public Works employee or City's representative has inspected and approved the work. Streets and private property disturbed in the course of the work shall be set to grade of adjacent ground.

Section 8. All excavations for the effluent phase of the sewer system installation shall be adequately guarded with barricades to protect the public from hazard. Any excavation shall comply with any excavation standards required by the City, Baker County, or the State of Oregon.

#### ARTICLE VI. CONNECTION FEES

Section 1. The connection fees imposed by this section pertain to sewage system service to existing buildings and to vacant lots, that in the judgement of the Council of the City, may reasonably be served by such system. The fee for connection to such system shall be set by resolution. Fees for connections of existing buildings to the system shall be due within 30 days of "Notice to Connect" sent to all affected property owners by the City. Where permits have been obtained pursuant to Article V, Section 2 connection fees for vacant lots, and future building within the City limits shall be payable in advance. Applicants for connections to be made after completion of construction of the system shall pay a fee, set by resolution.

#### ARTICLE VII. APPLICATIONS.

Section 1. Application for Service. Each applicant for sewer service shall sign an application form provided by the City.

A. *Application Requirements.* The application form shall provide the following information:

1. Date of application.
2. Physical address and location of premises to be served.
3. Date services to premises are to begin.
4. The Class of Service desired.
5. A statement as to whether the applicant is the owner, lessee, or renter.
6. If applicant is a lessee or renter, owners name and contact information is required.
7. The mailing address of the applicant.
8. Driver's license number of the applicant.
9. Phone number of the applicant.
10. Any other information the City may so require.

Section 2. Abide by Rules. In submitting an application for sewer service, the applicant will swear under penalties of perjury to agree to abide by the rules and regulations of the City of Sumpter.

Section 3. No Contractual Obligation. The application is merely a written request for service and does not bind the City to provide

such service.

Section 4. Deposit and Establishment of Credit. At the time application for service is made, the applicant shall establish their credit with the City.

A. If the applicant makes a cash deposit with the City to secure payment of bills for service, the deposit shall be a sum established by the City Council and set by resolution.

B. Should the applicant have a previous history of delinquency in payment of their sewer bills, as determined by the City, and be requesting a new account, the minimum deposit shall be determined on the basis of previous delinquent amounts, or one hundred fifty dollars, whichever is greater.

C. At the time of application, a deposit shall be made to the City and a receipt will be given for same. The deposit is not to be considered as a payment on account. In the event service is discontinued, the deposit will be applied to the closing bill and any amount more than the closing bill will be refunded. Following twelve consecutive non-delinquent payments for sewer service the deposit will be applied to the applicants billing as "credit". The City will not pay any interest on any deposit.

D. If an account becomes delinquent and it is deemed necessary to disconnect the service, the deposit shall be applied to the unpaid balance due. Sewer service shall not be restored to the premise or the same customer at a different premise until all outstanding bills due the City have been paid.

E. An application and fee for a new service or restoration of service shall be refundable if requested within thirty days of application and prior to the installation of the main line extension.

F. After application and approval by the City Council for the installation of a new sewer service connection, payment shall be paid in full to the City according to the most recent sewer rate resolution before construction can begin on the new service line by the Sewer Department.

#### ARTICLE VIII - NOTICES

Section 1. Types of Notice. Notices from the City to customers will be given in writing and delivered to the last known address. Where conditions warrant and, particularly in emergencies, the City may notify either by telephone or by City employee. In the case of renters or lessees, notice will also be given to the property owner as indicated on the application for service. Notices from customers to the City may be given by the customer or an authorized agent thereof, orally or in writing, at City Hall.

Section 2. Discontinuance of Service. Any customer about to vacate any premises supplied with sewer service by the City, including renters and lessees, shall give the City notice of intentions at least five days prior specifying the date service or occupancy of the premises is to be discontinued.

#### ARTICLE IX - BILLING AND PAYMENT

Section 1. Rendering of Bills. Except as provided for otherwise in this Ordinance, bills will be rendered monthly. Opening or closing bills, or bills that for any reason covering a period 10 percent more days or 10 percent less days than in the normal billing period of 30 days shall be pro-rated.

Section 2. Disputed Accounts. When a customer disputes the correctness of a bill, a deposit in the amount of the disputed bill at the time the complaint is lodged, to preclude discontinuance of service pending final settlement of the bill or bills. Subsequent bills shall be paid or placed on deposit in a similar manner. Failure of the customer to make such deposit(s) shall warrant discontinuance of service as provided under this Ordinance.

Section 3. Owner of Record and Payment of Bills. The property owner of record as shown by the records of the Baker County Assessor, as well as the renter or lessee of the same, shall be responsible for the payment of all sewer charges and fees prescribed in this Ordinance. All sewer billings shall be mailed to the given mailing address where sewer service is furnished unless the property owner, renter, or lessee states otherwise. Each bill rendered shall contain the final date on which payment is due. If the bill is not paid by that date, the account shall be considered delinquent.

## ARTICLE X - DELINQUENT ACCOUNTS

### Section 1. Notice.

A. *Delinquent Notice.* An account shall be declared delinquent after the 25<sup>th</sup> day of the month. A reminder of account delinquency may be sent to each delinquent account. If the property is rented or leased, a copy of the delinquent account shall be sent to legal property owner as so listed in City records.

B. *Shut Off of Services Notice.* Ten business days after an account becomes delinquent, a shut-off notice will be delivered to the delinquent residence giving notice that the utility services will be disconnected for nonpayment on a given date unless the delinquent account is paid in full, or payments pursuant to an agreement for payment approved by the City.

C. *Service Turn Off.* On the turn-off date, the City Maintenance personnel shall deliver a written notice to the premises stating the sewer service is being disconnected until all delinquent amounts have been paid. A delivery of the notice to the premises of the delinquent account shall be considered a delivery of the notice to the customer. The owner of the property shall be notified also.

Section 2. Restoration of Service, Service Charge and Deposit. In all instances where sewer service has been turned off due to nonpayment on delinquent accounts, full payment of the delinquent amount must be paid prior to restoration of service. The rates for restoration of service will be established by resolution. This charge must be paid in full along with the delinquent amount before restoration of service. The City may also require a new deposit in the amount provided for in Article VII, Section 4, A, of this Ordinance.

## ARTICLE XI - COLLECTION OF BILLS, DELINQUENT AND PENALTY FEES

Section 1. Collection of Bills. The City may enforce the collection of rates and charges for the use of sewer facilities by any means that may be provided by the laws of the State of Oregon or permitted by charter and Ordinances of the City. All sewer service charges shall be a lien against the premises served from and after the date of delinquency and entry in the City lien docket. The lien docket shall be accessible for inspection by anyone interested in ascertaining the amount of charges against the property. When a bill for sewer service remains unpaid sixty days after it is delinquent, the lien created thereby may be foreclosed in the manner provided for by ORS 223.610, or in any other manner provided by State Law or City Ordinance.

Section 2. Delinquent Fees. Should an account become more than thirty days delinquent there shall be added a delinquent fee. This fee will be established by Resolution.

Section 3. Installment Payments of Delinquent Accounts. In cases of extreme hardship, the City Council shall have the discretion of

renewing service to a delinquent account upon receipt of a satisfactory installment plan for the payment of the overdue amount. Such installment period shall not exceed the period the account was delinquent and future charges shall be kept current during the installment period. Failure of a customer to meet the conditions of the installment plan shall constitute grounds for immediate disconnection of services.

Section 4. Refusal of Service. The City may refuse sewer service to any property upon which a lien has been attached until the amount owing on the lien has been paid to the City along with the service charges for restoration of services. The City may also refuse service to a customer with an outstanding delinquent balance until such balance and all required deposits are paid in full.

## ARTICLE XII. USE OF THE PUBLIC SEWERS

Section 1. No person shall discharge or cause to be discharged any storm, surface, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

Section 2. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- B. Any waters or wastes containing toxic, (dangerous, hazardous) or poisonous solids, liquids, or gases in any quantity or concentration, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the public sewer, holding ponds, land treatment site, etc.
- C. Any waters or wastes having a pH lower than five or having any other corrosive or synergistic property capable of causing damage or hazard to structures, equipment, and personnel of the City.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in the public sewer, or other interference with the proper operation of the sewage works such as, but not limited to ashes, plastics, wood, unground garbage, wholeblood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- E. Any wastes not pretreated by an interceptor tank.

Section 3. No person shall discharge or cause to be discharged the following substances, water, or wastes, if it appears likely in the opinion of the City that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the City will give consideration such factors as to quantities of subject wastes in relation to flows and velocities in the sewers, capacity of the sewage treatment facility, holding ponds and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred-seventy degrees Fahrenheit.
- B. Any water or waste containing fats, gas, grease or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred-seventy degrees Fahrenheit.
- C. Any garbage that has not been properly shredded.

D. Any water or wastes containing strong acid, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.

E. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances, or wastes exerting and excessive chlorine requirement, to such degree that any such material received in the composite sewage, at the sewage treatment works, exceeds the limits established by the City for such materials.

F. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City, as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdictions for such discharge to the land treatment system.

G. Any radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the Public Works employee in compliance with applicable State or Federal regulations.

H. Any waters or wastes having a pH in excess of nine point five.

I. Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as but not limited to Fullers earth, lime slurries, and lime residues or of dissolved solids such as, but not limited to sodium chloride and sodium sulfate.

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen damage, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "sludge" as defined herein.

J. Waters or wastes containing substances which are not amendable to treatment or reduction by the sewage treatment processes employed, or facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the land treatment system.

Section 4. 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 3 of this Article, and which in the judgement of the City may have a harmful effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

A. Reject the wastes.

B. Require pretreatment to an acceptable condition for discharge to the public sewers at no cost to the City.

C. Require control over the quantities and rates of discharge and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

Section 5. Grease, oil, (such as from restaurants) and sand interceptors shall be provided by any facility when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing these or other components in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the appropriate governmental agency and the City and shall be located as to be readily and easily accessible for cleaning and inspection. It shall be the responsibility of the facility owner to install, operate and maintain these interceptors.



Section 6. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.

#### ARTICLE XIII. RESPONSIBILITY FOR DAMAGE.

Section 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure appurtenance, or equipment which is part of the public sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or criminal mischief.

Section 2. At all times all building sewer lines to any interceptor tank, and applicable pump, the maintenance of those lines belongs to the private property owner and are the owner's responsibility for maintenance and upkeep. Where pumping from an interceptor tank is allowed (STEP), the owner shall be responsible for the pump installation, electrical panel, wiring, and all maintenance from the residence or business to the interceptor tank and shall pay all associated power costs. Pumping of interceptor tank, when the City determines necessary, is the responsibility of the City.

Section 3. If any damage to the interceptor tank, public treatment works or connecting lines is the result of a negligent or intentional act of any individual, that individual shall be responsible for the cost of any and all repairs to the lines. If an agreement for payment is not reached between the City and the parties, the parties causing the damage shall also be responsible for any reasonable attorney's fees incurred by the City regarding this matter in any court of appeal.

#### ARTICLE XIV. POWERS AND AUTHORITY OF INSPECTORS

Section 1. The City and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling, and testing in accordance with the provisions of this ordinance.

Section 2. The City and other duly authorized employees 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.

#### ARTICLE XV. PENALTIES

Section 1. Any person found to be violating any provision of this Ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Violation of any of the provisions of this Ordinance, which in the opinion of the City, shall in any way pose a danger or threat to any inhabitant of the City of Sumpter or may harm any part of the sewer system shall be cause for the City to disconnect water use and/or enter onto the violator's property and break and plug the connection to the community sewer system (at property owners' expense) until such time as the cause of damage to the community sewer system and all fees have been paid.

Section 3. Any person who continues a violation beyond the time limit provided for in Article XIV, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars for each violation.

Section 4. Any person violating any of the provisions of this Ordinance shall become liable to the City for any expense, loss, or

damage occasioned to the City by reason of such violation.

Section 5. Each day any provisions are violated, or continues to be violated after notice is given, is a separate violation. Successive notices are not required for successive violations.

## ARTICLE XVI CONSTRUCTION

Section 1. Sewer Grades. All sewers shall be laid in accordance with current plumbing code.

Section 2. Grade Release. If the grade of the sewer does not meet current plumbing code, the property owner shall sign and acknowledge a grade release in a form approved by the City, the effect of which shall be to release the City from all future claims for damages due to the installation of said sewer. If there is doubt about the grade, a grade release shall be procured before the pipe is laid. If upon inspection, the grade is inadequate, the grade release shall be filed in the office of the recorder before any backfilling takes place.

Section 3. Construction Specifications. All materials, pipe, and fittings used in the construction of effluent sewer lines on private property must meet current plumbing codes.

Section 4. Interceptor Tanks shall be approved by the City and must meet Department of Environmental Quality guidelines.

Section 5. Minimum interceptor tank sizes shall be one thousand gallons per residence. Minimum interceptor tank size for commercial or multi-residence shall be in accordance with requirements set forth by the Department of Environmental Quality.

## ARTICLE XVII. CAPPING ABANDONED SERVICE LATERALS.

Section 1. All building laterals to be abandoned shall be capped with a watertight permanent plug at the property line in accordance with the City's standards and inspected by the City prior to closure.

Section 2. It is the property owner's responsibility to ensure that no other structure is connected to the service lateral being abandoned. If the service lateral to be abandoned is serving more than one structure, a new connection to the City's system for the structure(s) still using the system must be provided for the structure(s).

## ARTICLE XVIII. REPEATER, INTERPRETATIONS, SEVERABILITY AND CORRECTIONS.

Section 1. Repeater. City Ordinance's #2020-2 and all amendments thereto are hereby repealed in their entirety and the provisions of any other prior ordinance of the City of Sumpter that may be in conflict with any of the provisions of this Ordinance are hereby repealed and superseded.

Section 2. Interpretations. 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, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended.

Section 3. Severability. 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.

Section 4. Corrections. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time such actions were filed will remain valid and in full force and effect for purposes of those actions.

This ordinance will be enacted thirty days after approval.

Read for the first time in full this 13<sup>th</sup> day of October, 2021.

Read for the second time (by title only, by unanimous consent of the City Council members present) this 13<sup>th</sup> day of October, 2021.

Passed by unanimous vote of the Council on this, the 13<sup>th</sup> day of October 2021.

Approved:  Attested: 