

IN THE DISTRICT BOARD OF THE
MILES CROSSING SANITARY SEWER DISTRICT

ORDINANCE NO.)	
)	AN ORDINANCE AMENDING
)	ORDINANCE 2010-1 TO
2018-1)	ADDRESS INFILTRATION AND
)	INFLOW AND PROVIDE PENALITES

Whereas, discharge of storm water, surface water, ground water, roof run-off or subsurface drainage into the Miles Crossing Sanitary Sewer District sewer is prohibited; and

Whereas, serious infiltration and inflow into the system is occurring and such infiltration and inflow of waters dilutes sewage and causes substantial unnecessary expense to the District, and uses up valuable capacity; and

Whereas it is necessary to take action to deter such infiltration and inflow; and

Whereas, the District does not have a provision for civil penalties, and civil penalties can be a deterrence to illegal infiltration and inflow as well as other unauthorized acts.

Now, therefore, the Board of Directors of the Miles Crossing Sanitary Sewer District ordains as follows:

1. Amendment to add Section 6A. Ordinance 2010-1 is amend to add Section 6A, which will read as follows;

“SECTION 6A. Infiltration and Inflow.

Infiltration is groundwater entering sanitary sewers through defective pipe joints and broken pipes. Inflow is water entering sanitary sewers from inappropriate connections such as sump pumps or roof drains.

All property owners identified by the District as contributors to excessive or improper infiltration or inflow into the treatment works shall be advised of their infiltration and inflow problems.

All such situation properties shall be provided a 30 day grace period in which to correct the infiltration and inflow problems as identified, said 30 day grace period to extend from the date of notification.

By the end of the 30 day grace period, each property owner shall notify the District that corrective actions have been taken or are in progress, which actions shall be specified in the notification to the District.

A property owner failing to notify the District of corrective actions prior to the end of the 30 day grace period shall be subject to such enforcement actions as are provided in Section 7.

In the event any instance of excessive or improper infiltration or inflow into the treatment works of the District shall continue beyond the 30 day grace period, it is hereby declared that such continuing infiltration or inflow is a public nuisance, that the District shall have the right to abate such public nuisance and, to the fullest extent allowed by law, to enter upon any private property within the District for such purpose and shall assess the cost of such abatement as a lien against the property upon which such continuing infiltration and inflow occurs and shall assess the cost of such abatement to the property upon or from which infiltration and inflow occurs. Such assessment shall be levied by the filing of a statement of such costs together with the description of the property or properties to be assessed, together with the names of the owner (s) thereof with the County Clerk, whereupon the County Clerk shall forthwith enter such assessment, to the extent allowed by law, as a lien against such property in the County Lien Docket of the County.”

2. Amendment to Section 7. Ordinance 2010-1 Section 7, Penalties, is amended to add Paragraphs 4, 5 and 6, which will read:

“4. Failure to take action to correct identified defects as required in these rules shall be deemed to be a public nuisance and a violation of District Ordinances. For any failure to correct defects in a privately owned or maintained building sewer the civil penalty shall be \$50.00 per month. Penalties shall be assessed beginning at the end of a ninety (90) calendar day grace period following mailing or posting a notice of defect to the property owner.

5. Property owners who fail to take action to correct defects as required in these rules will be ineligible to make any application for new sewer service until defects in the privately owned or maintained building sewer are corrected.

6. Any civil penalty imposed under these rules shall be in addition to the collection of the regular sewer service fee or charge and any other fines, penalties, damages, or legal remedies available to the District.”

3. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

4. Effective Date.

This ordinance shall take effect on the 30th day following adoption by the District Board pursuant to ORS 198.570.

Date of First Reading: _____

Date of Second Reading and Approval: _____

BOARD OF DIRECTORS OF
MILES CROSSING SANITARY SEWER DISTRICT

, President

Attest:

Recording Secretary