

## ORDINANCE 173

### **AN ORDINANCE TO ESTABLISH A NEW CHAPTER 157 WITHIN THE DUNES CITY CODE OF ORDINANCES ENTITLED "SEPTIC SYSTEM MAINTENANCE."**

#### **THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1.** Title 15, Land Usage, of the Dunes City Code of Ordinances is amended to add Chapter 157 as follows:

#### **Chapter 157: SEPTIC TANK MAINTENANCE.**

##### **157.010 Intent.**

It is the intent of the Dunes City Septic System Maintenance Ordinance to ensure that all onsite wastewater disposal systems, also known as sewage disposal systems or septic systems, are operated in a safe, healthful and environmentally responsible manner. Proper system maintenance prevents the adverse impacts of failing systems that may result in improper discharge of sewage effluent threatening surface water, groundwater and public health, safety and welfare.

##### **157.020 Purpose.**

The purpose of this ordinance is to establish local rules for the periodic evaluation and maintenance of onsite wastewater disposal systems to determine compliance with the Lane County adopted standards for septic system evaluation or more rigorous standards adopted by the Dunes City Council.

##### **157.030 General Provisions.**

Onsite wastewater disposal systems are subject to failure due to lack of maintenance, misuse, water infiltration and other reasons. In order to minimize water quality problems from failed systems and extend the useful life of these systems, the following program has been developed to regularly evaluate onsite systems and seek effective maintenance and repair.

##### **157.040 Owners' Responsibility.**

Owners of the buildings served by onsite systems are responsible to have evaluations performed at their expense by State Approved Inspectors at the time periods specified below in Section 157.060. Owners are responsible for maintenance of their systems and shall notify the City in the event the inspector's report indicates a failure of the system or the owner observes a failure of a system.

**157.050 Dunes City's Responsibilities.**

- (A) Records of individual septic systems shall be established and the City shall maintain such records.
- (B) City shall maintain a Register of State Approved Inspectors who have personal knowledge of the City's Septic System Maintenance Ordinance. The Register shall include the name of the individual inspector and the City will remove an inspector's name from the Register for failure to comply with the provisions of this Ordinance including, but not limited to;
  - 1) failure to provide evaluation results to the City within ten days, or
  - 2) providing evaluations that are deemed incomplete or unacceptable.
- (C) Informational pamphlets shall be provided at the time that the septic system owner is notified that an evaluation is due.
- (D) City shall provide forms for all evaluation reports.

**157.060 Evaluations Required.**

Periodic evaluation of all onsite wastewater disposal systems within the city limits is required. The inspector shall provide an original copy of the completed evaluation form to the owner with a copy to the City within 10 days of completion of the evaluation.

**(A) Initial Evaluation.**

The initial evaluation shall include mapping of the septic tank, including clean-out, access port, distribution box, and the drain field. However, this evaluation will not be required if the property owner presents a satisfactory map of the system and evidence that the system has been installed or pumped within the previous five years. Such evidence will become the basis for compliance with 157.060(C).

**(B) Evaluation Standard.**

All evaluations shall be in accordance with Dunes City standards 157.060 and shall address the following factors:

- (1) Evaluations will be accepted only from inspectors who are qualified to perform the evaluation and are registered in accordance with ORS Chapters 672 or 700 or have a current NSF International Wastewater System Inspector Accreditation or other certification approved by the Oregon Department of Environmental Quality.

(2) The inspector shall conduct a visual and olfactory observation of the ground surface above the system and in the vicinity of the system. Offensive odor and/or surface effluent are evidences of system failure.

- (3) An examination of the following:
- (a) The condition of the septic tank and its contents;
  - (b) The absorption/disposal field(s), drainfields;
  - (c) Pumps, filters and other important features of the system; and

(4) Preparation of a report of the system condition and mapping of the drainfield by the inspector.

**(C) Frequency of Evaluations.**

Septic systems shall be evaluated at the following frequencies unless it is determined that public health or environmental conditions require more frequent evaluations.

(1) Every system shall be evaluated at a minimum of once every five years following the initial evaluation. If a building is vacant and the system is due for an evaluation, the evaluation shall be made when the building is reoccupied. Alternative systems, including sand filters systems, shall have an evaluation at time intervals specified by the permit for installation, or as recommended by the system manufacturer.

(2) Prior to the sale or transfer of ownership of any existing property the system shall be evaluated, mapped and pumped unless an evaluation, mapping and pumping has been conducted within one year of the date of sale or transfer.

(3) Onsite sewage disposal systems shall be evaluated when the quantity or characteristics of the wastewater discharge change because of an addition to the building or a change in the building's use.

(4) Commercial and institutional buildings shall have their onsite sewage disposal systems evaluated on an annual basis or at other time intervals specified by the City.

(5) Within five years from the adoption of this ordinance, every owner shall submit to the City an evaluation and mapping of all septic systems on their property.

**157.070 System Failure.**

If an evaluation determines that a system has failed, or is being used in violation of the Code or Department of Environmental Quality's standards for onsite wastewater treatment systems (OAR Chapter 340, Division 71), a notice shall be sent to the property owner and also to Lane County. After obtaining a permit from Lane County, the failed

system may be repaired by a DEQ State approved installer or the homeowner. The person that repaired the system shall notify the City within ten days of the repair completion date.

**157.080 Approved Inspectors Responsibilities.**

City approved inspectors will perform evaluations at the request of the septic system owners or the City and provide a written report including a map giving the location of the entire system to both the owner and the City.

**157.085 Business License Required**

Individuals and companies that perform septic system evaluations and pumping within the corporate limits of the City shall obtain a business license from the City. An annual business license fee shall be established by the City Council. Requirements for obtaining a business license are as follows:

- (A) Complete an application form.
- (B) Pay an annual fee.
- (C) Provide proof of liability insurance.
- (D) Provide proof of DEQ State Approved licensing.
- (E) Agree to the terms and conditions regarding remission of fees and reporting to the City.

**157.090 Compliance.**

(A) Failure to inspect and/or map in accordance with the time frames or the evaluation procedures specified by this Chapter constitutes a violation of the Dunes City Code Ordinance and shall be subject to a fine not to exceed \$250.

(B) Each calendar date on which a violation occurs constitutes a separate violation until the property is in compliance with the requirements of this Chapter.

**157.095 Lien Against Property**

(A) The City Recorder shall forward to the owner and the person in charge of the property, by registered or certified mail, a notice stating:

(1) The amount of the fine;

(2) That the fine will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice;

(3) That if the owner or person in charge of the property objects to the fine he or she may file a written notice of objection with the City Recorder not more than ten days from the date of the notice.

(B) At least ten days after the date of the notice, the Council, in the regular course of business, shall hear and determine the objections to the fine that is assessed.

(C) If the fine is not paid within 30 days from the date of the notice, the assessment of the fine stated or determined by the Council shall be made by resolution and entered in the docket of city liens, and shall constitute a lien on the property.

(D) The lien may be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the legal rate of interest. The interest shall commence to run from the date of the entry of the lien in the lien docket.

(E) An error in the name of the owner or the person in charge of the property or a failure to receive the notice of the proposed assessment will not void the assessment, and it shall remain a valid lien against the property.

**Section 2. Administrative Fees.**

The City Council may, by resolution, impose fees to cover all or a portion of the expense of implementing and administering this Ordinance.

**Section 3. Severability.**

If any phrase, clause, or part of this Ordinance is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses, and parts shall remain in full force and effect.

**ADOPTED BY THE DUNES CITY COUNCIL THE 9TH DAY OF MARCH, 2006.**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

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Sheldon Meyer, Mayor

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Joanne Hickey, City Recorder