

**Crescent Sanitary District Ordinance No. 03-21-2019**

**Sewer Use Regulations Ordinance**

**AN ORDINANCE CONCERNING THE CRESCENT SANITARY DISTRICT SEWER SYSTEM; ADOPTING CERTAIN RULES, REGULATIONS, RATES, AND CHARGES CONCERNING THE SEWER SYSTEM.**

Whereas Ordinance No. 03-21-2019 is adopted by the Crescent Sanitary District for the establishment of rules, regulations, rates, and charges.

The Crescent Sanitary District ordains as follows:

1. **Short Title.** This Ordinance may be referred to and cited as the "Sewer Use Regulations Ordinance".

**2. Use of Public Sewers Required.**

2.1 Unless as provided in this Ordinance, it is unlawful to construct and/or maintain and privy vault, septic tank, cesspool, and/or other facility intended or used for the disposal and treatment of sewage. Existing private sewage systems may be used and maintained if connection to the system is not available per approval of the Board.

2.2 Unless otherwise permitted by the Board, all properties used for human occupancy, employment, recreation, and/or other purposes will hook up to the system provided that the public sewer is available. The owner may apply to the Manager who may grant at the Boards approval a temporary waiver of this connection requirement under special circumstances, but will set time limits for compliance.

2.3 It is unlawful for any person to place, deposit, and/or permit to be deposited in any unsanitary manner on public or private property with the District, or any jurisdiction of the District any human or animal excrement, garbage, and/or other objectionable waste.

2.4. It is unlawful to discharge to any natural outlet within the District, or in any area under jurisdiction of the District any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

**3. Private Sewage Disposal.**

3.1 Except as provided by the District it is unlawful to construct and/or maintain and privy vault, septic tank, cesspool, and/or other facility intended or used and maintained if connection to the system is not available or if continued use is authorized under the Ordinance.

3.2 Unless otherwise permitted by the Ordinance, all properties used for human occupancy, employment, recreation, and/or other purposes will hook up to the system provided that the public sewer system is available to the property. The owner may apply to the manager for a temporary waiver and the manager may at the Boards approval grant a temporary waiver but will set a time limit for the waiver.

3.3 Each owner of a property used for human occupancy, employment, recreation, and/or other purposes connected to the system is required, at the owner's expense, to install suitable toilet facilities, building sewer, and sewer connections and to keep such facilities in proper repair at all times; each owner is responsible to maintain and repair the sewer connection from the property to the sewer tank outlet.

3.4 It is unlawful for any person to place, deposit, and/or permit to be deposited in any unsanitary manner in public or private property within the District or within the jurisdiction of the District any human or animal excrement, garbage, and/or other objectionable waste.

**3.5 It is unlawful to discharge to any natural outlet within the District or jurisdiction of the District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.**

#### **4. Private Sewage Disposal**

4.1 Where a public sanitary sewer is not available under the provisions of this Ordinance the building sewer will be connected to a private sewage disposal system complying with and all applicable federal, state, county, and local laws, regulations, and ordinances, including, without limitation, those imposed by the District.

4.2. All applicable federal, state, county, and District permits and approvals must be obtained before commencement of construction of a private sewage disposal system.

4.3 A private sewage disposal system will not be used until the installation is approved by responsible state and county departments.

4.4 The type, capacities, location, and layout of a private sewage disposal system will comply with all state regulations. No private sewage disposal system may discharge into any natural outlet.

4.5 When a property with a private sewage disposal system is connected to the public sewer, the private sewage disposal facilities must be abandoned and decommissioned in accordance with state regulations at no expense to the District if the private sewage disposal system fails to meet any applicable standards and/or regulations, including those imposed by the District. **The exception is during the initial hookup and decommissioning of all residences at the time the sewer system becomes operation will be done at no cost to the owner's.** After this initial period the language in this section minus the exception will apply.

4.6 The owner will operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense o the District.

## **5. Building Sewer Connections and Responsibilities.**

5.1 No unauthorized person will uncover, connect with use, alter, and/or disturb any public sewer without obtaining a written permission from the District.

5.2 The District will initially have the following two classes of building sewer permits: (a) residential users, which mean all users concerning detached single family residences and duplexes (dwellings) designed for permanent occupation and which include kitchens and bathroom facilities; and (b) commercial users, which mean users not meeting the definition of a residential user. In either case, the owner or his or her agent will make application for a sewer connection on a form furnished by the District. The permit application must be accompanied by plans, specifications, and other information requested by the District, as well as a properly executed easement approved by the District, which permits District access to the owner's property for the purpose of installing, constructing, maintaining, and/or inspecting service lines and/or septic tank Permits serving the owner's property. Permit and inspection fees (which will be set by resolution) will be paid to District and or county at the time the application is filed. The District may modify its building sewer permit classification and/or establish additional building sewer permit classifications from time to time by Board discretion and approval of Ordinance or Resolution.

5.3 The owner is responsible for all costs and expenses relating to the installation and connection of the building sewer, service connection, and septic tank, if any. The owner will indemnify the District from any loss or damage that may directly result from the installation of the building sewer.

5.4 A separate and independent building sewer will be provided for each lot or parcel.

5.5 Existing building sewers may be used in connection with new buildings only if the District determines that they meet all requirements of this Ordinance and applicable plumbing codes.

5.6 The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, will all conform to the requirements of the building and plumbing Manual of Practice No. 9, as amended will apply.

5.7 Whenever possible, the building sewer will 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 will be lifted by an approved means and discharged to the building sewer.

5.8 No person will make connection of roof downspouts, exterior foundation drains, areaway drains, and/or other sources of surface runoff or ground water to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer.

5.9 The connection of the building sewer into the public sewer will conform to the requirements of the building and plumbing code or rules and regulations of the District, or the procedures set forth in appropriate specifications of the ASDTM and the WPCF Manual of Practice No. 9. All such connections will be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager with Board approval before installation.

5.10 The applicant for the building sewer permit will notify the manager when the building sewer, service connection, and/or septic tank are ready for inspection and connection to the public sewer. The connection will be made under the supervision of the manager or his or her authorized representative. Back-filling of trenches prior to District approval is prohibited.

5.11 To the extent reasonably possible, all excavations for building sewer installation will be adequately guarded with barricades and lights so as to protect hazard. Streets, sidewalks, and other public property disturbed in the course of the work will be restored in a manner satisfactory to the District.

5.12 The owner of property served by a building sewer will be responsible for maintenance and repair of the point where the building sewer is connected to a District sewer main or the point where a District installed lateral hooks to the property. The responsibility includes responsibility for any costs of maintenance, repair, damage, and or injury. The owner will be liable for any damage to the District system caused by an act of the owner and/or its tenants, agents, employees, contractors, licensees, and/or permittees. If any break, leak, and/or other damage to a building sewer occur, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

## **6. Use of Public Sewers.**

6.1 No person will discharge, or cause to be discharged any of the following described waters, objects, substances, products, and/or wastes to any public sewers:

6.1.1 Any storm water, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water, and/or unpolluted process waters to any sanitary sewer;

6.1.2 Any gasoline, benzene, naphtha, fuel oil, and/or other flammable or explosive liquid, solid, and/or gas;

6.1.3 Any waters or waste containing toxic or poisonous solids, liquids, and/or gases in sufficient quantity, 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, and/or create any hazard in the effluent disposal system of the sewage treatment plant, including, without limitation, cyanides in excess of 0.5mg/l as CN in the waste as discharged to the public sewer;

6.1.4 Any water or wastes having a pH lower than 5.5 or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewage works;

6.1.5 Solid or viscous substances in quantities or of such size capable of causing obstruction of the flow in sewers, or other interference with the proper operation of the sewage works, including, without limitation, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, and milk containers, either whole or ground by garbage grinders;

6.1.6 Ceramic dusts or particles or other abrasive substances; and/or;

6.1.7 Any water received through infiltration or inflow.

6.2 No person will discharge, or cause to be discharges, any of the following described substances, materials, waters, and/or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, and/or equipment, have an adverse effect on the effluent disposal system, and/or can otherwise endanger life, limb, public property, and/or constitute a nuisance. In review of the acceptability of these wastes, District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are;

6.2.1 Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius);

6.2.2 Wastewater containing more than 25 milligrams per liter or petroleum oil, non-biodegradable cutting oils, and/ or product of mineral oil origin;

6.2.3 Wastewater from industrial plants containing floatable oil, fat, and/or grease;

6.2.4 Any garbage that has not been properly shredded. Garbage grinders are discouraged;

6.2.5 Any waters or wastes containing iron, chromium, copper, zinc, lead, and/or similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, such degree that any such material received in the composite sewage at the sewage treatment works exceeds established District limits.

6.2.6 Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the state or federal government;

6.2.7 Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by state or federal regulations;

6.2.8 Quantities of flow, concentrations, or both which constitute "slug" as defined in this Ordinance;

6.2.9 Water or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed, and/or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of the state and federal agencies having jurisdiction over discharge to the receiving water; and/or

6.2.10 Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system, and/or create a condition deleterious to structures or treatment processes.

6.3 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 6.2, and which in the judgment of the District may have a deleterious effect upon the sewage works, process, equipment, and/or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the District may;

6.3.1 Reject the wastes;

6.3.2 Require pretreatment to an acceptable condition for discharge to the public sewers;

6.3.3 Require control over the quantities and rate of discharge; and/or

6.3.4 Require payment to cover the added costs of abating, handling, and/or treating the waste not covered by sewer charges. Such costs may be collected in the manner provided by ORS 454-225 by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law.

6.3.5 If the District permits pretreatment or equalization of waste flows, the design and installation of the plants and equipment will be subject to the review and approval of the District and subject to the requirements of the applicable codes, ordinances and laws.

6.4 Grease, oil, and sand interceptors will be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors will not be required for private living quarters or dwelling units. All interceptors will be of a type and capacity approved by the District and will be located as to be readily and easily accessible for cleaning and inspection. Interceptors will be inspected, cleaned, and repaired regularly, as needed and in accordance with applicable law, at the user's expense. All records for inspections, cleaning, and repair must be maintained and readily available for review by District staff. Inspection, cleaning, and hauling will be performed by certified and licensed septic haulers or recyclers.

If an owner fails to properly remove and dispose of captured material by appropriate means, as determined by the District, the District may perform any and all such necessary removal and disposal and the property owner will be responsible for any and all costs incurred by the District. The District may collect any incurred charges or costs in the manner provided by ORS 454.225 by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll and/or any other manner permitted under this Ordinance and/or applicable law.

6.5 Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they will be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

6.6 When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes will install an industrial waste water monitoring station together with each necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such stations, when required, will be accessible and safely located, and will be constructed in accordance with plans approved by the District. The station will be installed by the owner at the owner's expense, and will be maintained by the owner at the owner's expense, and will be maintained by the owner so as to be safe and accessible at all times.

6.7. All measurements, tests, and analysis of the characteristics of water and wastes to which reference is made in this Section 6 will be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies will be determined on an individual basis, subject to approval by the District.

6.8 No statement contained in the Section 6 will be construed as preventing any special agreement or arrangement between District and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore by the industrial concern.

6.9 The District's acceptance of wastes identifies in Section 6.2, with any conditions attached pursuant to Sections 6.3 through 6.8, will be memorialized in a signed agreement with terms acceptable to the District.

**7. Powers and Authority if Inspectors.** The District will have the right to enter all private properties through which the District holds a duly negotiated easement for the purposes of inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities laying within the easement. All entry and subsequent work, if any, on the easement will be done in accordance with the terms of the duly negotiated easement and pertaining to the private property involved. This Section 7 does not limit or impair the access provided the District under Section 10.

#### **8. Appeals Procedure.**

8.1 Any person aggrieved by a ruling or interpretation of Sections 1-8 of this Ordinance may appeal the ruling or interpretation by filing a notice of appeal with the District manager and Board. The notice of appeal must be filed within ten (10) business days after the date of notice of the ruling or interpretation is delivered to the person. The notice of appeal must contain (a) the name, address, and telephone number of the appellant, (b) a copy of the ruling or interpretation being appealed, and (c) the basis for the appeal, describing with reasonable specificity why the ruling or interpretation was issued in error.

8.2 The District Manager and/or Board will conduct an informal hearing on the matter and after consideration of the material presented by the appellant as well as material from the District, the District Manager and/or Board will decide whether to approve or deny the appeal. If necessary, the Manager will prepare a written decision based upon the Manager's and/or Board's findings. The Manager will send his or her written decision, if applicable, to the appellant and the Board.

8.3 If the appellant determines that his or her appeal has **not** been handled to his or her satisfaction by the Manager and/or Board, he or she may within thirty (30) days after receipt of the District Manager's decision, request that the council complete an independent review of his or her appeal. The Manager will forward to the Board his or her entire file on the case for review of the Board. The Board will within thirty (30) days after receipt of the request for an independent review, prepare a written decision on the matter and send the decision to the appellant and the District manager. The Board's decision is final, conclusive, and binding.

## **9. Application for Service.**

9.1 **Application.** Each applicant for sewer service will complete and sign an application form provided by the District which will include the date of application, location of premises, whether the applicant has been served before, the date on which service is to begin, the purpose for which service is to be issued, the address for mailing or delivery of bills, the applicant's address, and such other information as the District may require. In signing the application, an applicant agrees to abide by the District's rules and regulations for use of the sewer system. An applicant constitutes a written request for service and does not bind the District to provide sewer services.

9.2 **Non-Owner Occupied Premises.** The owner(s) of non-owner occupied premises will be jointly and severally liable for any and all sewer related fees, charges, expenses, losses, damages, and/or fines incurred by any and all tenant(s)/applicant(s) of the owner(s) non-owner occupied premises, including, without limitation, any late and/or penalty fees. Upon the earlier of the District's request or when the application is made for sewer service at form and substance approved by the District Manager that the owner(s) will, in the event of nonpayment or delinquency, be jointly and severally liable to the District for the full payment of any and all sewer service related fees, charges, expenses, losses, damages, and/or fines incurred by the tenant(s)/applicant(s) of the owner(s), including, without limitation, any late and/or penalty fees. An owner's signature on the aforementioned agreement constitutes the owner's written consent, including, without limitation, for purposes of ORS 91.255. to District's transfer of a claim against any owner tenant(s)/applicant(s) to the owner in accordance with Section 11.5. The Board may establish by resolution at any time and from time to time a process for collecting outstanding sewer charges, expenses, losses, damages, and/or fines from the responsible parties.

9.3 **Sewer Use Agreements.** If the applicant's intended use of the public sewer triggers the requirement for a sewer use agreement as described in Section 6.9, the applicant will provide additional detail regarding the substances to be discharged and purpose pre-treatment, flow-equalizing facilities, and other measures as necessary to mitigate the impacts of the applicant's use on the system. The District Manager will then develop a sewer use agreement setting out the terms and conditions of service. Such agreement must be signed by the applicant and returned to the District or the application will be deemed incomplete.

9.4 **Deposit.** The District Manager may require an applicant to provide a deposit for the receipt of sewer service at the time of application and/or re-application for sewer service. No interest will be earned on any deposit and the amount thereof will be calculated so as to ensure that all District costs associated with the provision of sewer to the applicant by the District will be covered.



**9.5 Refund of Deposits.** Deposits will be refunded to a customer if the customer has timely and fully paid all amounts due the District from the customer for a period of at least Twelve (12) consecutive months.

**9.6 Refusal of Service.** An application may be denied for any of the following reasons:

9.6.1 The application is incomplete, not signed by the customer, or is ineligible;

9.6.2 The application requests service to a property location which would be difficult or impossible to provide without obtaining right-of-way or extending sewer lines;

9.6.3 The applicant, owner, and/or occupant have previously failed to pay duly imposed charges for the District sewer and/or other services. The District may refuse sewer service to the subject premises until such time as the District is provided adequate financial security (in a form approved by the District Manager) by the applicant, owner, and/or occupant that the delinquencies will be paid.

9.6.4 The sewer system is unable to supply the demand created by the proposed use without capital improvements to the existing system;

9.6.5 The applicant has been found in violation of any water and/or sewer ordinances, rules, and/or regulations two or more times;

9.6.6 The plumbing on the premises where services will be provided does not meet the standards required by any applicable federal, state, and/or local laws, regulations, and/or ordinances; and/or;

9.6.7 If applicable, the applicant has not agreed to the terms and conditions of a sewer use agreement as described in Section 9.3.

Applicants whose applications are denied will be notified in writing. The notice will state the reasons for denial, and explain the applicant's right of appeal. Such appeal rights and processes will be the same as that described in Section 12. Applicants whose application has been denied under Section 9.6.2 or 9.6.4 will be informed of the procedure for creating a reimbursement to the District to extend existing sewer lines, if applicable. Notice of denial will be mailed to the applicant's address as shown on the application. Notice will be effective as of the date of mailing.

**10. Access to Premises.** Notwithstanding anything contained in the Ordinance to the contrary, by requesting and receiving sewer service from the District, every customer grants the District and its authorized agents and employees the right and ability at all reasonable times to enter onto the customer's premises to determine the customer's compliance with the District's rules and regulations, including, without limitation, those rules and regulations concerning repairs, maintenance, delivery, and/or the receipt of sewer service.

## **11. Rates and Payments for Services.**

**11.1 Sewer Rates.** The Board may establish and/or modify from time to time such sewer rates, fees, charges, fines, and penalties (which may or may not be contained in the fee schedule) related to the sewer system as the board deems necessary or appropriate by Board Resolution, including, without limitation, late fees and penalties.

**11.1.1** Residential users may be considered to be one class of user and an equitable service charge may be determined for each such user based on a flat fee. The Board reserves the right to adjust individual residential fees if the resident uses excessive water flows as shown in the Rates Structure Resolution. If fees are adjusted the residence will be given a 30 day notice of new sewer rates. The District may classify industrial, commercial, and other non-residential establishments as a residential user.

**11.1.2** The District may charge the owner or user where common facilities are located for each tenancy in lieu of charging each tenant individually.

**11.1.3** If the District elects, the District may classify certain users not satisfying or meeting the residential or commercial classification as special users. Special users will be placed in an open class and charged according to the user's wastewater contribution, as determined by the District Manager, and fees established from time to time by resolution of the Board.

**11.1.4** The sewer charge for new development will commence immediately upon connection to the sewer system. No sewer charge credit will be given for any vacancy thereafter.

**11.2 Place of Payment.** All payments will be made to the District at the Crescent Water District office or associated drop boxes in the District. The District may develop the ability to do on-line payments.

**11.3 Bill Payment.** Bills for use of sewer services and property of the District will be due, payable, and delinquent in accordance with the fee schedule and any related resolution(s) described under Section 11.1. All bills will be due and payable upon receipt. Accounts which have not been paid in full within fifteen (15) days of the due date indicated on the bill will incur the then applicable late fees and penalties. A late notice will be sent out on or about the thirtieth (30<sup>th</sup>) day following the due date indicating the amount of any late fee and penalties. If the account remains unpaid by June 30<sup>th</sup> the account will be sent to the Klamath County Assessor's Office, which is then added to the property owners property tax. At that time the delinquent amount no longer belongs to CSD.

**11.4 Delinquent Accounts.** The District may turn off the sewer service to the premises being served with sewer services if any sewer service payment is delinquent after the owner(s) and/or occupant(s), if different, is given the chance to challenge the validity of delinquency and/or the amount thereof before the District Manager consistent with the process set forth in Section 12. If the sewer service is terminated, it will be restored after terms of payment are arranged satisfactory to the District.

**11.5 Tenant Accounts.** An owner of any non-owner occupied premises will immediately notify the District if the non-owner occupied premises (or any unit thereof) become vacant. Until the owner provides the vacancy notice required under the immediately preceding sentence, the owner(s) will be required to pay for the sewer service made available and/or provided to the vacant non-owner occupied premises (or unit thereof). Prior to transferring delinquent status to the occupant/applicant and mail a copy of the notice of delinquency by first class mail to the last address of the owner's agent that is on file with the District within thirty (30) days from the time the date the notice of delinquent status is mailed to the owner's agent of the premises. The transfer does not relieve the tenant of the obligation to pay the claim.

**11.6 System Development Charges.** System development charges will be levied upon each new building, structure, or fixture unit attached to the sewer system at the time of initial attachment, or upon resizing of a connection to accommodate a new service pipe larger than three-quarters (3/4") inside diameter.

**12. Declaration of Sewer Emergency-Water Restrictions.** The District Manager may, upon receiving reliable emergency. Upon declaration of a sewer emergency, the District manager and/or the Board may impose such restrictions upon the use of the sewer as is deemed necessary or appropriate to protect the health, safety, and welfare of the citizens of the affected area. The District manager will use reasonable means to notify the public of the restrictions imposed. At the next Board meeting following imposition of the restrictions, the District manager will present a report describing the nature of the emergency, the expected duration of the emergency, and the steps taken to alleviate the emergency. The Board may, at any meeting subsequent to the emergency, confirm,

alter, amend, and/or terminate the restrictions imposed by the District manager by resolution. No person will violate the terms of any restriction or condition placed upon the use of water by the District manager or the Board pursuant to Section 13. It will be no defense to a charge of violation that the person cited had no knowledge of the terms of the restriction.

15. **Sewer Charge Liens.** Sewer service charges will be a lien against the premises served from and after the date of billing and entry on the ledger or other records of the District pertaining to the sewer system, and such ledger or other records will remain accessible for inspection by anyone interested to ascertain the amount of such charges against the premises. Whenever a bill for sewer service remains unpaid ninety (90) days after it has been rendered, the lien thereby created will be collectible using one or more of the following procedures at the District's option; (a) foreclosure in a manner provided for in ORS 450, and ORS 223.610; (b) in a manner provided under ORS 454.225, as amended, by certification and presentation to the Klamath County Tax Assessor for assessment on the general tax roll; and/or (c) any other manner or action provided for by law or District ordinance.

16. **Prohibited Acts.** Unless authorized by the District, it is unlawful for any persons to do, commit, and/or assist in committing any of the following things or acts in the District: (a) to make any connection to the District system any structure, appurtenance, or equipment appertaining to the sewer system; (c) to excavate within any area subject to a recorded easement granting District access and installation rights for wastewater facilities without first obtaining the District's approval; (d) to construct any structure over or within ten (10) feet of any wastewater facility without first obtaining the District's approval; (e) to resort to any fraudulent device or arrangement for the purpose of procuring sewer service for a customer or others from private connections on premises contrary to the District regulations or ordinances; and/or (f) to violate any emergency sewer restriction by the District manager or Board.

17. **District Enforcement, Violation - Civil Penalty; Other Relief.** The District will enforce the provisions of this Ordinance by administrative, civil, and/or criminal action as necessary to obtain compliance with this Ordinance. Any person violating any provision of Section 16, or any other provision of this Ordinance, will be subject to a civil penalty not to exceed the sum of Two Thousand Five Hundred Dollars (\$2500.00) for each violation. Each violation of any provision of this Ordinance, and every day that such Ordinance violation exists, will be considered a separate violation. In addition to the foregoing civil penalties, the District may seek, in a court of competent jurisdiction, such other and additional relief (including all legal and equitable relief and remedies) available under applicable law as well as recovery of its costs and attorney fees. The District will be entitled to collect from any other fees, costs, and expenses incurred by the District to enforce this Ordinance. The remedies provided in this Section 17 are not exclusive and will not prevent the District from exercising any other rights and/or remedies available under law.

18. **Amend, Replace, and Supersede.** This Ordinance amends, replaces, and/or supersedes the Sewer Ordinance and all ordinances, resolutions, and/or policies in conflict with this Ordinance; provided, however, (a) this Ordinance does not affect the transfer of the Sewer District to any other entity (b) this Ordinance does not relieve any person of any obligations that may have accrued under the Sewer Ordinance prior to the effective date of this

Ordinance, (c) the District may continue the enforcement, prosecution, conviction, and/or punishment of any person who has or will violate the Sewer Ordinance prior to the effective date of this Ordinance, and (d) the sewer rates, fees, deposits, and or other charges provided or contemplated under the Sewer Ordinance will continue in full force and effect until amended, repealed, and/or superseded by Board resolution.

**19. Interpretation; Severability; Errors.** 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 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, rule, regulation, code or ordinance as now in force and which may hereafter be amended. The provisions of this Ordinance are hereby declared to be severable. 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, enforcement, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the council to cure editorial and/or clerical errors.

**20. Emergency Declaration.** The Board finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the District's citizens by insuring that uniform rules and equitable rates are prescribed for the furnishing and use of sewer services. The Board further finds that a delay of thirty (30) days prior to the effective date of this Ordinance may result in acts, omissions, and/or conditions detrimental to the public welfare. Therefore, an emergency is declared to exist and this Ordinance will be in full force and effect upon its adoption by the council and signed by the Board President.

**IN WITNESS WHEREOF, this Ordinance was passed by the Board by a vote of \_1\_ "for" \_0\_ "against" and APPROVED by the Board President on April 10 2019.**

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**Kim Mathers, President of the Board**

**Crescent Sanitary District**