

ORDINANCE NO. 575

AN ORDINANCE PROVIDING FOR PROPERTY OWNERS RESPONSIBILITY IN MAINTAINING SEWER BUILDING DRAINS AND BUILDING SEWERS, PROVIDING FOR NOTICE TO BE GIVEN TO SUCH OWNER OR OWNERS TO REPAIR SAME, PROVIDING FOR THE CITY TO MAKE SUCH REPAIR AND LEVY THE COST THEREOF AGAINST THE PROPERTY, AMENDING ORDINANCE NO. 532 AND DECLARING AN EMERGENCY

The City of Willamina, Oregon, ordains as follows:

Section 1. The following subsection shall be added to Section 5, Building Sewers, of Ordinance No. 532 relating to the use of public and private sewers and drains passed by the Council Jan. 30, 1986 and approved by the Mayor Jan. 31, 1986 and amended by Ordinance No. 532A:

- (10) It is the responsibility of the property owner to maintain and keep in good repair the building drain and building sewer to assure no sewage is leaked and/or infiltrates into the ground.

Whenever leaks in the building drain and/or building sewer are determined, the utility superintendent may, at his discretion, report the same to the city council, designating the description of the property, the owner or owners of record of the property, the nature of the maintenance that is deemed necessary to be done, and that in his judgment repair thereof is necessary. Failure to notify property owner of needed repairs shall not relieve the property owner of liability.

The City Council, upon receipt of such report from the Utility Superintendent and deeming such repair necessary, may direct that such owner or owners make the needed repairs by notifying such owner or owners in writing by mail, if the address of the owner or owners is known; if not known, by posting notice thereof on the property involved. Such notice shall direct that owner or owners make and complete such repairs, in the manner

described in such notice, on or before 30 days after the mailing or posting of the notice. Such notice to be given or posted by, or under the direction of, the city recorder. An error in the name or address of the owner of the property shall not make the notice void.

In the event such owner or owners fails or refuses to make and complete such repairs as notified of within 30 days after the mailing or posting of notice, the city utility superintendent may proceed to cause such repairs to be made.

The City Engineer, Public Works Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of repair at such time and during such hours as the council shall approve.

When repairs are complete the superintendent shall report the cost thereof including 10 per cent thereof for administrative costs, together with the name or names of the owner or owners of record of the real property, to the recorder and the same shall become a lien against the property and entered in the city lien docket as directed by the city council to bear interest at the standard rate per annum from the date at the end of the 30 day period.

Section 2. This ordinance shall not be construed to hold the City responsible for any damage to persons or property by reason of the inspection or testing, or the failure to inspect or test by reason of approval of sanitary sewers.

Section 3. The following shall be added to Section 6 (2) of ordinance No. 532:

A storm sewer connected to the sanitary sewer is considered a cross connection and is prohibited. Any such cross-connection now existing or hereafter installed is hereby declared to be a public hazard and the same shall be abated.

Section 4. All other provisions of Ordinance No. 532 as amended by Ordinances 532A, 561 and 569 shall remain in full force and effect.

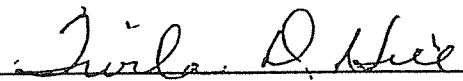
Section 5. The council desires and deems it necessary for the preservation of the health, peace and safety of the City of Willamina that this ordinance take effect at once, and therefore an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval.

Passed by the Council this 29th day of June,
19 95.

AYES: Councilors Alger, Branson, Eddy, Goff, Greb, Jenne

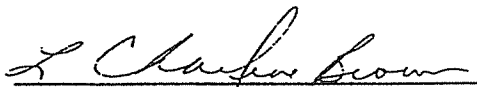
NAYS: None

Submitted to and approved by the Mayor this 29th day
of June, 19 95.



Mayor

ATTEST:



City Recorder