

CHAPTER 116: SEPTIC SYSTEM PROGRAM ENFORCEMENT

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§116.01 PURPOSE.

The purpose of this Chapter is to implement the County's authority to enforce the subsurface sewage disposal program delegated to Umatilla County by the State of Oregon for onsite septic systems.
(Ord. 2016-11, passed 1–19-2016)

§116.02 ADOPTION.

Except as specifically provided herein, all administrative rules which are duly existing and adopted by the Environmental Quality Commission of the state of Oregon, and the Department of Environmental Quality on October 19, 2016, pursuant to ORS 454.605 through 454.780, including appendices, are adopted as regulations by Umatilla County and shall have full force and effect as law in Umatilla County. These rules include OAR 340-012-0060. The Administrative Rules are adopted as part of this Chapter and are incorporated into this Chapter by this reference. Violations of this chapter shall be measured by the technical and other standards found in said rules.
(Ord. 2016-11, passed 1–19-2016)

§116.03 PERMITS REQUIRED.

(1) All proposed or approved sewage facilities shall comply with all applicable provisions of Oregon Revised Statutes and rules and regulations of the Oregon Department of Environmental Quality.

(2) Except as specifically provided in the rules, it is unlawful and a violation of this chapter to:

A. Begin construction, installation or development of any system without first obtaining a construction installation permit from the county;

B. Place into service, change the use of, or increase the projected daily sewage flow into an existing system without obtaining either an authorization notice or alteration permit, as appropriate, from the county;

C. Repair a system without first obtaining a repair permit from the county, except that emergency repairs may be made when sewage is backing up into a dwelling or commercial facility, or when there is a broken sewer pipe and immediate action is necessary provided that a permit is obtained within three days after the emergency repairs are begun.

(Ord. 2016-11, passed 1–19-2016)

§116.04 VIOLATIONS.

It is unlawful and a violation of this chapter for any person to:

(1) No person shall construct a subsurface sewage disposal system except in compliance with ORS Chapter 454 and rules promulgated under that chapter.

(2) No person shall habitate on or utilize land

except in compliance with ORS Chapter 454 and rules promulgated thereunder.

(3) Fail to treat or dispose of any sewage as required by this chapter;

(4) Discharge untreated or partially treated sewage or septic tank effluent directly or indirectly onto the ground surface or into any public waters;

(5) Connect any plumbing fixture from which sewage is or may be discharged into any sewage disposal system that has not been approved by the county;

(6) Obstruct, cover, modify the soil covering or otherwise affect a system replacement area without first obtaining approval from the county;

(7) Fail to abandon an on-site system, including a septic tank and system, when required to under the rules or fail to comply with the procedures and requirements for proper abandonment as provided in the rules;

(8) Backfill or cover, connect to or use, any system without first obtaining a certificate of satisfactory completion of construction, installation, repair or alteration unless issuance of the certificate has been waived by operation of law or otherwise;

(9) Fail to meet requirements for satisfactorily complying with any correction notice within the time required;

(10) Use any materials that do not comply with standards for on-site systems set forth in the rules;

(11) Falsify or fail to provide any information requested by the county of any applicant for a permit, variance or hardship relief with the intent to evade or circumvent the procedures or standards established for regulation of on-site systems;

(12) Fail to comply with the terms or conditions of any permit including the duties imposed on permit holders by the rules. (Ord. 2016-11, passed 1–19-2016)

§116.05 VIOLATION PROCEEDINGS.

1. The Public Health Administrator is delegated the authority to designate, from time to time, specific employees of the Umatilla County Public Health Department that are authorized to issue citations for the commission of violations of this Chapter. The employees so designated shall be deemed to be "Enforcement Officers", within the meaning of ORS 153.005 to 153.145.

2. Violations of this Chapter shall be deemed to be "violations", within the meaning of ORS 153.008. Violations of this Chapter are punishable by fines as established by ORS 153.015 for unclassified violations.

3. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.145.

4. Pursuant to ORS 153.058(7), violation proceedings must be commenced by an enforcement officer.

5. Enforcement may be sought as provided under Umatilla County Code of Ordinances Chapter 38. (Ord. 2016-11, passed 1–19-2016)

§116.06 CONTESTED CASE PROCEEDINGS.

Enforcement Officers may enforce violations of this Chapter through the contested case proceedings process set forth in ORS 183.310, 183.413 to 183.502, and 183.745 and OAR 333-012-0050 to 333-012-0070, and 137-003-0001 to 137-003-0092.

(Ord. 2016-11, passed 1–19-2016)

§116.07 PUBLIC NUISANCE.

Any facility that is operated in violation of this

Chapter is a public nuisance and dangerous to health and may be abated or enjoined in any manner provided by law.
(Ord. 2016-11, passed 1-19-2016)

If any section or part thereof of this Chapter shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirements of this Chapter.
(Ord. 2016-11, passed 1-19-2016)

§116.08 AMENDMENTS.

All amendments to the Oregon Revised Statutes and Oregon Administrative Rules adopted and incorporated into this Chapter shall automatically be adopted into this Chapter as well, with the same effective dates as that set forth in such amended statutes and rules.
(Ord. 2016-11, passed 1-19-2016)

§116.09 REMEDIES NOT EXCLUSIVE.

None of the remedies available to Umatilla County as set forth in this Chapter are exclusive. Nothing in this Chapter shall preclude any remedy otherwise available to Umatilla County, either in law or equity, including enforcement under Umatilla County Code of Ordinances Chapter 38.
(Ord. 2016-11, passed 1-19-2016)

§116.10 DELEGATION.

1. The Public Health Administrator is delegated the authority to carry out the provisions of this Chapter, including those available to Department of Environmental Quality (or its successor position title) under the Oregon Revised Statutes and Oregon Administrative Rules.

2. The Public Health Administrator shall administer the programs necessary to enforce the rules adopted by the Department of Environmental Quality.
(Ord. 2016-11, passed 1-19-2016)

§116.11 SEVERABILITY.