

ORDINANCE NO. 2020-08

AN ORDINANCE OF THE CITY OF VADER, WASHINGTON, RELATING TO RULES AND REGULATIONS FOR PUBLIC SANITARY SEWER SERVICES WITHIN THE CITY OF VADER, REPEALING AND REPLACING CHAPTER 17.04 OF THE VADER MUNICIPAL CODE, ESTABLISHING REQUIREMENTS FOR USE OF THE SANITARY SEWER SYSTEM, PENALTIES FOR VIOLATIONS, PROHIBITED ACTS, PROHIBITED DISCHARGES, PRE-TREATMENT REQUIREMENT, ANNUAL REPORTING FOR PRE-TREATMENT CUSTOMERS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 2008-20 has been adopted setting forth regulations and billing practices for the public sanitary sewer service in the City of Vader; and

WHEREAS, this Ordinance has been amended from time to time, including Ordinance Nos. 2011-07 and 2012-04, 2014-05; and

WHEREAS, Vader has since codified its ordinances and the sewer code is found in Title 17 with the Sewer System Code contained in Chapter 17.04 VMC; and

WHEREAS, the City needs to update its sewer code and reorganize the three sewer chapters in the Vader Municipal Code (Ch. 17.04, 17.08 and 17.16); and

WHEREAS, ensuring that the City's sewer system is fully functional and continues to operate safely is important to the public health, safety and welfare; and

WHEREAS, the City is currently in process of updating its wastewater treatment plant and therefore ensuring the users of the sewer system to do not allow prohibits materials from entering the system is important to maintaining the integrity of the system and the future wastewater treatment plant; and

WHEREAS, the City Council adopted this Ordinance at its Regular Meeting August 14, 2020; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF VADER, WASHINGTON,

HEREBY ORDAINS AS FOLLOWS:

Section 1. Chapter 17.04 of the Vader Municipal Code is hereby repealed and replaced with the following new Chapter 17.04 entitled “Sewer Utility Regulations” to read as follows:

**Chapter 17.04
SEWER UTILITY REGULATIONS**

Sections:

- 17.04.010 Purpose.**
- 17.04.015 Connection required.**
- 17.04.020 Definitions.**
- 17.04.030 Mandatory use.**
- 17.04.040 Prohibited acts.**
- 17.04.050 Stormwater.**
- 17.04.060 Ownership.**
- 17.04.070 Sewer system maintenance.**
- 17.04.080 Industrial waste discharge.**
- 17.04.090 Other prohibited discharges.**
- 17.04.100 Sewer system maintenance.**
- 17.04.110 Easements.**
- 17.04.120 Trees and shrubs.**
- 17.04.130 Right of entry for inspection.**
- 17.04.140 Enforcement.**
- 17.04.150 City liability.**
- 17.04.160 Penalty for Violation.**
- 17.04.170 Conflict of provisions.**
- 17.04.180 Severability.**

17.04.010 Purpose.

The provisions of this Title 17 are set forth pursuant to the city of Vader’s police power to protect, promote and preserve the public health, safety and welfare. The purpose of this code shall be liberally construed to provide for the planning, security, design, construction, use, maintenance, repair and inspection of public and private sanitary sewer systems; to establish programs and regulations to provide for the appropriate use of public and private sanitary sewer systems.

17.04.015. Connection required.

All property owners abutting a road, street and/or alley wherein sewerage systems are available shall be compelled to connect their sewers to such system within six months after

said sewer systems are available. In addition to other penalties as may be provided, anyone who neglects or refuses to so connect with such system shall be charged an amount equal to the charge that would be made for sewer service if the property was connected to such system; and further, in addition to the foregoing charges, the city shall charge for each connection with the sewer system, made by the city, the actual cost of all labor and material therefor plus 15 percent.

17.04.020 Definitions.

For purposes of this Title, the following terms shall have the following meanings.

A

"Apartment" means any private dwelling being part of a multiple family dwelling structure having more than two (2) units within separate kitchen and plumbing facilities

"As-built" means a final drawing of the actual installation of the structures, materials and equipment in a form required by the city engineer.

B

"Backwater valve" means a device that is privately owned and installed on the resident's side sewer and prevents sewage from backing up into the structure.

"BOD" (denoting B, biochemical; O, oxygen; D, demand) shall mean the quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C., expressed parts per million by weight.

"Building" means a structure having a roof and entirely enclosed on all sides, but excluding trailers, mobile homes, and all other forms of vehicles even though immobilized.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building or side sewer, beginning three (3) feet outside the interface of the building wall.

"Building sewer" shall be synonymous with the term "side sewer" and shall mean the extension or lateral that is part of the horizontal piping of a drainage system that extends from the building drain and receives the discharge of the building and conveys it to the public sewer or other place of disposal.

C

"Capital recovery charge" means a monthly charge imposed on improvements, developments, redevelopments or existing structures that place additional demand on the sewer system. The capital recovery charge shall be based on an allocation of the utility

plant in-service costs plus interest and the number of single-family equivalents served by the sewer system.

“Charitable Community Organization” has the same meaning a “non-profit” as defined in this code.

“City” means the City of Vader, Washington.

“City engineer” means the city of Vader’s city engineer or designee.

“Connection charges” means charges imposed as a condition of providing utility service so that each connecting property bears its equitable share of the costs of the public sewer system and the utility’s share of the cost of any regional sewer collection system and of the costs of facilities that benefit the property. Connection charges can include latecomer charges, capital recovery charges and direct facilities charges.

E

“Easement” means a grant of one or more of the property rights or privileges by the property owner to and/or for use or protection of a portion of land, by the public, a corporation or another person or entity that runs with the land.

“Engineering standards” means the city’s utility engineering standards, as established by the city code and/or the city engineer, which include minimum standards for the design and construction of water, storm and surface water drainage and sanitary sewer facilities. The applicable standards are contained in the Vader Urban Design Standards, the Uniform Plumbing Code and the Washington State Department of Ecology Criteria for Sewage Works Design (Orange Book). In addition, if there are any missing or unclear standards, the applicable engineering standards which shall be utilized to provide missing standards or provide clarity are the then-current versions of the American Public Works Association standards and the State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction.

F

“FOG” means fats, oils and grease.

G

"Garbage" shall mean solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

I

"Industrial user" shall mean any processor of food, beverage or any manufactured product.

“Industrial waste” means any liquid, solid or gaseous substance or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including development, recovering or processing of natural resources. This is distinct from sanitary sewage.

L

“Licensed side sewer contractor” means any person, partnership, corporation or association duly qualified and competent to do work incident to the construction or repair of side sewers under permits issued under this code and who shall have been duly licensed.

“LID” means local improvement district, which permits the city to finance capital improvements that provide benefit to public properties within its boundaries. It is a method by which a group of property owners can share in the cost of sanitary sewer infrastructure.

“Low income” means citizens who are 62 years of age or older with an income equal to or less than the gross annual household income amount reported annually for the Community Development Block Grant (CDBG) very low-income rate. Eligibility as “low income” must be re-established annually by application to the city at the beginning of each year.

N

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

“Non-profit” or “Charitable Community Organization” means an entity which has been accepted and approved by the city council as being of considerable value to the residents, businesses, and/or other organizations in the community. An organization must request this designation in person or in writing to the city council at a regularly scheduled council meeting in order to receive consideration for this status. Council will make a determination for each request based upon the organization's history of benefitting financially, emotionally, spiritually or otherwise giving service to, the residents and/or community without expectation or request for compensation. Generally, an eligible organization may be a church, nonprofit, Lions Club, Rotary Club, Free Mason or other such organization dedicated to serving the community and its residents.

P

"Person" shall mean any individual, firm, company, association, society, corporation, group, or governmental agency.

"pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Pretreatment device” means any approved device, structure, system or method used and maintained for the purpose of bringing a waste stream within acceptable limits and standards of quality prior to its discharge to the public sewer system.

“Private sewer system” means any part of the sewer system that is not part of the public sewer system. Private sewer system includes the sewer line and disposal system constructed, installed or maintained where connection with the public system is not required.

"Properly shredded garbage" shall mean the waste from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

“Property owner” or “owner” means any individual, company, partnership, joint venture, corporation, association, society, group or entity that owns or has a contractual interest in the subject property or has been authorized by the owner to act on his/her behalf, including but not limited to an agent, contractor, applicant, or developer.

“Public sewer system” means the sewer system owned and operated by the City.

S

"Sanitary sewer" shall mean a sewer that conveys sewage or industrial waste, or a combination of both, and into which ground water, surface water and storm water or unpolluted industrial wastes are not intentionally or normally admitted.

"Sewage" shall be synonymous with the term "Sanitary sewage" and shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground water, surface water and storm water as may be present, which wastes contain polluted matter subject of treatment at the sewage plant.

"Sewage treatment plant" means any arrangement of assemblage of devices, structures and equipment used for treating sewage and industrial waste.

"Sewer" shall mean a pipe or conduit for conveying sewage or any other waste liquids, including ground water, surface water and storm water drainage.

“Sewer facility” means any facility for the conveyance or storage of sewage, whether part of the public sewer system or a private sewer system, which is connected to or intended to be connected to the public sewer system.

“Sewer main” means any pipe designed or used to transport sewage, owned by the city, excluding side sewers.

“Sewer plan” or “general sewer plan” means the comprehensive wastewater plan for the utility, as adopted by the city. This may also be called the “Wastewater Facilities Plan”.

“Sewer pretreatment” means the treatment of industrial waste before discharge to the public sewer system.

“Sewer service” means providing for the disposal of sewage from a structure into the public sewer system.

"Shall" is mandatory; “may" is permissive.

“Side sewer” means a private pipe and related appurtenances extending from the sewer main to the connection with a building.

“Side sewer stub” means that portion of the side sewer connected to the right-of-way or easement extending from the sewer main.

“Standard plans and specifications” means any rules, regulations, policies and procedures issued by the city’s engineer, including, but not limited to, water systems, sewer systems, storm drainage systems, road construction and street improvements, traffic control, and erosion control plans.

“Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

"Storm sewer" or "storm drain" shall mean a sewer, which carries ground water, surface water and storm water drainage, but excludes sewage and polluted industrial wastes.

“Structure” means a combination of materials constructed and erected permanently on, in or under the ground or attached to something having permanent location on, in or under the ground.

“Superintendent" shall mean the superintendent of the Water and Sewer Department of the City, or his/her authorized deputy, agent or representative.

"Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, which are removable by laboratory filtering.

U

“ULID” means utility local improvement district, which permits a city to finance capital improvements that provide benefit to public properties within its boundaries. It is a method by which a group of property owners can share in the cost of sewer infrastructure.

W

"Water course" shall mean a channel in which a flow of water occurs, whether continuously or intermittently.

"Working day" shall mean 9:00 a.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

17.04.030 Mandatory use.

The owner of each lot or parcel of real property within the corporate limits of the City upon which there is situated any building or structure for human occupation or use, shall install suitable toilet facilities therein, together with all other facilities therein, the use or which results in the existence of sewage as defined herein. Such owner shall promptly connect the building(s) and/or structure(s) to the public sewer system at the owner's property line whenever there is a public sewer line within one hundred fifty (150) feet of the property line of such lot or parcel. If the owner fails to make such connection within the time period set forth in VMC 17.04.015, then the City may provide notice to such owner, to be signed by the City Clerk/Treasurer. The owner shall connect to the public sewer line within ninety (90) days of the date of such notice. Where a public sewer line is not available as provided herein; a private sewer and sewage disposal system shall be constructed, connected and maintained in accordance with the rules and regulations of the Washington State Department of Social and Health Services and the Lewis County Health District.

17.04.050. Prohibited acts.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited, upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge into any natural outlet within the city, or any area under the jurisdiction of the city, any sanitary sewage, industrial waste or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter, and excepting those discharges of backwash waters from the water treatment plant during the period of time the sewer line from the water treatment plant to the sewer treatment plant is under construction, not to exceed one year.

(c) Except as provided in this chapter and Chapter 17.16, it should be unlawful to construct or maintain any privy, vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) No unauthorized person shall uncover, make any connection with, or opening into, use, alter or disturb any public sewer, nor shall any unauthorized person open, alter or disturb the streets or alleys of the city, for the purpose of making connection with the public sewer system. Any person desiring to uncover, make any connection with or opening into, use, alter or disturb any public sewer, or open, alter or disturb the streets or alleys of the city, shall notify the superintendent or the city clerk-treasurer. The superintendent shall oversee, manage and superintend all such activities.

(e) No person shall construct or commence construction of a private sewer or private sewage disposal system without first obtaining a written permit from the county health district. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet, or to ground surface. The owner shall operate and maintain the private sewage disposal system in a sanitary manner at all times, at no expense to the city.

(f) No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof run-off, subsurface drainage, cooling water or unpolluted industrial processed waters into the public sewer system.

(g) No person shall discharge, or cause to be discharged, into the public sewer system any petroleum products, flammable, or explosive liquid, solid or gas, any garbage not properly shredded, any ashes, cinders, sand, mud, oil, grease, grime, wood, tar, plastics, or any other solid or viscous substance capable of causing obstruction to the flow of sewers or other interference with the proper operation of the sewage treatment plant.

Sec. 17.04.050. Stormwater.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent.

17.04.060 Ownership.

(a) City Ownership of Sewer Facilities. The sewer system is owned and operated by the city, except to the extent that private ownership is otherwise indicated as a matter of record. Such public facilities typically include mains, pump stations or manholes, among other components.

(b) Private Ownership of Area Sewers. Side sewers are owned by the property owner. Property owners shall be responsible for the development, maintenance, and repairs of side sewers and their appurtenances. Side sewers, whether located in a public or private place, shall be owned, installed, operated, and maintained by the owner or occupant of the property or premises served unless otherwise described in an easement, maintenance agreement or other legal document. This includes the pipe system up to, but not including, manufactured tees/wyes, or mechanical connections to the public main.

17.04.070 Sewer system maintenance.

The city is responsible for the maintenance of the public sewer system. Owners of private sewer systems, side sewers, and backwater valves are solely responsible for maintenance and operation of such. However, owners of private sewer systems shall operate and use such systems, including maintaining any nearby vegetation, in such a way so as to avoid blockages or damages to the public sewer system.

17.04.080 Industrial waste discharge.

(a) General. The city has established a program intended to prevent, control and correct the discharge of fats, oils and greases, and industrial waste within the public sewer system which could cause blockages, operational failures or premature degradation of the public sewer system.

(b) Pretreatment of Discharges. The city shall require the pretreatment of discharges to the public sewer system if necessary to prevent and/or correct hazardous, dangerous, or explosive conditions or blockage, operational failure or premature degradation of the public sewer system. Notwithstanding the above, all restaurants and food-processing businesses shall install pretreatment methods, such as grease interceptors,

oil-water separators, and other best available technology, to reduce or eliminate FOG discharges. This subsection does not apply to single-family residences.

(c) Sampling and Inspection Tees and Manholes. Sampling and/or inspection tees or manholes in the side sewer connection(s) to the public sewer system may be required in all connections except single-family residential connections. Inspection tees and manholes enable the city to monitor and test the discharge for compliance with city requirements or to allow monitoring and testing in accordance with the rules and regulations of other federal, state or local agency having governmental or contractual jurisdiction within the city service area.

(d) Authority. The city engineer is authorized to:

1. Determine when waste pretreatment is required and establish standards regarding prohibited discharge of fat, oil or grease (FOG) in amounts that may inhibit or interfere with the performance of the city sewer system;
2. Establish criteria for acceptable interceptors or other pretreatment devices.

(e) Discharge Prohibited.

1. General Prohibition. No FOG in amounts that may inhibit or interfere with the performance of the city sewer system shall be discharged into the city sewer system from any property whatsoever, including single family residential, without the installation of a pretreatment device of a type and capacity to be approved by the city engineer, and located as to be readily accessible for cleaning and inspection.
2. Specific Prohibition. It is unlawful to discharge or cause to be discharged into the city sewer system any unacceptable levels of water or waste as determined by the city engineer.
3. Pretreatment devices, such as grease interceptors or other devices approved by the city engineer, shall be installed in commercial kitchens where FOG in amounts that may inhibit or interfere with the performance of the city sewer system may be discharged into the city sewer system.
4. Interceptors or other pretreatment devices must comply at a minimum with the Uniform Plumbing Code, as now existing or hereafter amended.

(f) New Construction of Commercial Kitchens. New construction for commercial kitchens that may discharge FOG in amounts that may inhibit or interfere with the performance of the city sewer system, and particularly any commercial kitchen that will be required to install a Type I hood pursuant to the International Mechanical Code, Section 507, requires installation of a pretreatment device approved by the city engineer.

(g) Retrofit in Existing Buildings.

1. Ongoing Businesses.

a. Compliance with Discharge Prohibitions Required. Any commercial kitchen that may discharge FOG in amounts that may inhibit or interfere with the performance of the city sewer system, and particularly any commercial kitchen required to install a Type I hood pursuant to the International Mechanical Code, Section 507, that is conducting an ongoing business in an existing building or facility that does not have an effective pretreatment device as of the date of passage of the ordinance codified in this section shall take measures to ensure that it is not in violation of the discharge prohibitions of this section by no later than 12 months from such date.

b. Methods. An ongoing business may comply with the requirement of subsection (G)(1)(a) of this section by either installing a pretreatment device approved by the city engineer, or developing and implementing a discharge management plan acceptable to the city engineer which shall specify effective disposal practices and require proof of adherence to those practices that shall be made readily available to the city engineer for inspection.

2. Change of Owner or Operator of Ongoing Business or Commencement of New Business in Existing, Renovated or Remodeled Facility. Any change of owner or operator of an ongoing business or any new business using a commercial kitchen that may discharge FOG in amounts that may inhibit or interfere with the performance of the city sewer system, and particularly any commercial kitchen required to install a Type I hood pursuant to the International Mechanical Code, Section 507, commencing business in an existing, renovated or remodeled building or facility shall install a pretreatment device approved by the city engineer prior to commencement of business.

3. Cost. All costs incurred in retrofitting an ongoing or new business in an existing, renovated or remodeled facility shall be the sole responsibility of the owner or operator, unless otherwise determined by the city engineer.

(h) Responsibility for Installation, Operation and Maintenance.

1. Responsibility for Expense. All pretreatment devices shall be installed, operated, and maintained at the owner's expense.

2. Maintenance Required. Pretreatment devices shall be kept in continuous, efficient and effective operation. Regular maintenance shall include periodic removal of the accumulated waste material in accordance with best management practices (BMPs) developed by the city engineer. No such collected discharge shall be introduced into the public sewer system and shall be disposed of in accordance with all local, state and federal regulations.

3. Records Required. Records of disposal and proper maintenance shall be kept by the owner or operator in accordance with best management practices (BMPs) and submitted to the city engineer annually on or before December 31.

17.04.090 Other prohibited discharges.

No person shall discharge or cause the discharge of any of the following wastes into the public sewer system, by direct or indirect means:

(a) Flammable liquids, solids or gases capable of causing or contributing to an explosion or supporting combustion in any public sewer facility or side sewer connection to the public sewer system, such as, but not limited to, gasoline, kerosene, paint, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, or any other substances that the city, Lewis County, any state agency or the Environmental Protection Agency have identified as a fire hazard or a hazard to the system;

(b) Any solid or viscous substance or particles in a quantity, either by itself or in combination with other wastes, that is capable of obstructing flow or interfering with the operation or performance of the public sewer system;

(c) Any gas or substance that, either by itself or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry by authorized personnel to pump stations and other sewer facilities;

(d) Any gas or substance that, either by itself or by interaction with other wastes, may cause corrosive structural damage to the public sewer system;

(e) Heated substances in amounts that prevent entry into public sewer facilities by authorized personnel or that adversely impact facilities;

(f) Food waste that cannot pass through a one-fourth-inch sieve;

(g) Any radioactive wastes or isotopes that exceed such concentration limitations as established by applicable Washington State Department of Health regulations;

(h) Trucked and hauled wastes, except as approved by the city, and discharged at designated locations;

(i) Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted wastewater and/or any water or wastes generated during construction activities, unless specifically authorized by the city;

(j) Substances that may cause excessive foaming in the public sewer system;

(k) Any wastes or substances which exceed local discharge limits of, or are prohibited by, any other federal, state or local agency having governmental or contractual jurisdiction within the sewer service area;

(l) Any other products which may cause a backup in the city's sewer system, such as cleaning cloths, heavy paper products, mop heads, pet pads, personal wipes, personal care and hygiene products.

17.04.110 Easements.

An easement, in a form approved by the city engineer, is required whenever:

(a) A public sewer facility will be built on private property; or

(b) A private sewer facility will be built over two or more legally established lots;
or

(c) A side sewer will serve two or more properties.

17.04.120 Trees and shrubs.

(a) No person shall plant within 30 feet of any public sewer any willow, poplar, cottonwood, soft maple, gum tree, or any other tree or shrub whose roots are likely to enter and obstruct the flow of sewers.

(b) The property owner is responsible for preventing any vegetation, including trees and shrubs, from extending from within the owner's property into any right-of-way or public sewer easement where the trees, shrubs or roots thereof obstruct or have the potential to obstruct a public sewer.

(c) The city engineer may require, at the owner's expense, the removal of any trees and shrubs from such area or public easement, or the roots of any trees and shrubs which extend into any such area or public easement when such trees and shrubs or the roots thereof are obstructing or have the potential to obstruct any public sewer.

(d) Vegetation damage to city sewer system. Any person who violates this section shall be liable for damage done to the City's sewer lines, including full cost of repair and replacement, removal of vegetation, and any attorneys' or expert witness fees. The City will notify the property owner of such damage within a reasonable time after such damage is discovered. Following the repair, the City will send a final invoice to the property owner for the City's costs to remove the vegetation and repair of the sewer lines. The owners shall have ninety (90) days to reimburse the City for these costs or be in default. The owner shall have thirty (30) days from the date of the final invoice to file an appeal challenging the total cost amount, the ownership of the vegetation that caused the damage, or any other challenge to the city's invoice. Such appeal will be heard by the City's hearing examiner in accordance with chapter 2.08 of the Vader Municipal Code.

17.04.130 Right of entry for inspection.

Any designated city official may enter the private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by this code. If entry is refused, the city official shall have recourse to every remedy provided by law to secure entry. Such remedies include terminating service, including disconnection and capping of the side sewer.

17.04.140 Enforcement.

Failure to comply with any applicable provisions under this chapter shall be deemed a violation. Each day that any violation or failure to comply exists may be construed as a separate offense. Enforcement proceeds under this chapter shall follow the processes and procedures set forth in title 19, Civil Code Enforcement, of the Vader Municipal Code.

17.04.150 City liability.

(a) Nothing contained in this title is intended to or shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from the failure of property owners or responsible parties to comply with the provisions of this chapter, engineering standards, or related manuals, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued in connection with the application or enforcement of this chapter, engineering standards, or related manuals, or by reason of any action or inaction on the part of the city related in any manner to the application or enforcement of this chapter, engineering standards, or related manuals by the city, its officers, employees, or agents.

(b) Nothing in this chapter, engineering or construction standards, or related manuals shall impose any liability on the city or any of its officers, employees, or agents for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.

(c) Nothing contained in this chapter, engineering or construction standards, or related manuals shall require city involvement or enforcement of this chapter for private disputes occurring between property owners.

(d) If sewer service becomes temporarily unavailable due to a system failure, emergency, construction, maintenance, termination of service or other unforeseen circumstance, the city is not responsible for costs or damages incurred by property owner, tenant or customer due to an interruption in service, whether planned or unplanned.

17.04.160 Penalty for Violation.

(a) Any person violating any of the provisions of this chapter shall become liable to the City of Vader for any expense, loss or damage occasioned by the City by reason of such violation.

(b) Any person who shall violate the terms and provisions of this Ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding One Thousand and 00/100 Dollars (\$1,000.00). Each day in which any violation shall continue shall be deemed a separate offense.

17.04.170 Conflict of provisions.

Should a conflict occur between the provisions of this chapter, the engineering standards or manuals adopted by the city, or between this chapter, the engineering standards and related manuals with laws, regulations, codes or rules promulgated by other authority having jurisdiction within the city, the most restrictive requirements shall be applied, except when constrained by federal or state law, or where specifically provided otherwise in this chapter. In addition, any final determination of which standard applies shall be determined by the City Engineer.

17.04.180 Severability.

If any provision of this chapter, engineering standards, or related manuals, or its application to any person or circumstance, is held invalid by a court of competent jurisdiction, the remainder of this chapter, engineering standards, or related manuals, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this chapter are declared to be severable.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 4. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Vader and attested by the City Clerk in authentication of such passage on this 14th day of August, 2020.


APPROVED by the Mayor this 14th day of August, 2020.

Joe Schey, Mayor

ATTEST/AUTHENTICATED:

Dianne Floyd
City Clerk/Treasurer

APPROVED AS TO FORM:



Jennifer S. Robertson
Office of the City Attorney

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO: 2020-08