

ORDINANCE NO. 4129

AN ORDINANCE MAKING IT MANDATORY FOR THE OWNERS OR PERSONS IN CONTROL OF, OR AGENTS FOR PROPERTY IN THE CITY OF ALBANY, OREGON, TO MAINTAIN SAID PROPERTY IN A SANITARY MANNER; PRESCRIBING PENALTIES, REPEALING ORDINANCES NO. 2160 and 3481, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1. RESPONSIBILITY: Any person who is the owner or in control of, or the agent for any lot, parcel of land or premises in the City of Albany, Oregon, shall be required to maintain said premises in a fashion conducive to good sanitation such that no menace to the public health or well-being shall be created nor made likely to be created by any conditions which may exist or come to exist upon such premises.

SECTION 2. EXTENT OF MENACE AND APPEAL:

2.1 The Health Officer as designated by the City Council and/or the Public Works Director shall be empowered to determine the extent to which any particular situation is a menace to the public health or well-being, and shall be further authorized to determine the appropriate measures to be taken and the time allowed for the removal of such menace, and the person who is the owner of, or the agent for the affected property, shall be required to take the prescribed measures in the time allowed.

2.2 Should the ruling of the Public Works Director and/or Health Officer appear to be overly harsh or unjust, the affected party may appeal to the City Council in writing and within seven days from the ruling by the Public Works Director and/or Health Officer. At the first regular meeting following receipt of said appeal, the Mayor shall appoint a committee of at least three disinterested persons, including at least one doctor of medicine who shall investigate the particular situation and ruling and make recommendations concerning the same. The Public Works Director and/or Health Officer shall then be bound to comply with such recommendations.

SECTION 3. DEFINITIONS: For the purposes of this section, the following words, phrases, abbreviations, terms and their derivatives shall be construed as specified in this section. Words used in the singular shall include the plural and the plural the singular. Words used in the masculine gender shall include the feminine and the feminine the masculine.

3.1 DOMESTIC WATER SUPPLY is any water supply system which serves potable water including wells.

3.2 POTABLE WATER means water which is sufficiently free from biological, chemical, physical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects and which has such other physical properties as to be palatable to humans for drinking purposes.

3.3 PRIVY shall mean a detached building used by humans for the purposes of defecation or urination and lacking a means of automatic

discharge of the matter deposited; pit toilet

This definition shall not include properly serviced and maintained chemical toilets used on a temporary basis at construction sites or to service periodic or irregularly scheduled short term activities. Such temporary use shall not exceed 90 days without approval of the Director of Public Works.

SECTION 4. MINIMUM REQUIREMENTS: Minimum requirements for good sanitation shall include at least the following:

4.1 No privy, water closet or plumbing connected indirectly to a domestic water supply not connected to a sanitary sewer of the City shall be constructed, maintained or used. Exceptions to this requirement for the connection to a sanitary sewer shall be allowed only by consent of the City Council which shall be done in the form of a "City of Albany Waste Non-Connection Permit." Application for a City of Albany Waste Non-Connection Permit shall be made to the City Council setting forth a description of the property involved with reasons that a sewage non-connection permit should be granted. Sewage non-connection permits shall be issued for a period not to exceed one year and will expire one year from date of issue. Requests for renewal of sewage non-connection permits will be made in the same manner as an application for an original sewage waste non-connection permit.

4.2 No human excreta, kitchen wastes, laundry water, sink water, or toilet wastes should be allowed to discharge or flow upon the surface of the ground or into any ditch, gutter, street, roadway or public place, nor shall such wastes discharge onto any private property so as to create a nuisance or health hazard.

4.3 No abandoned or deep well shall be used for the disposal of sewage or household or industrial wastes. No privy vault, cesspool or septic tank, allowed under a City of Albany Waste Non-Connection Permit shall be used unless the same is watertight and shall be located in any water bearing stratum; nor shall any privy vault, cesspool or septic tank be located so that the same may pollute any domestic water supply.

SECTION 5. FAILURE TO COMPLY WITH REGULATIONS: Failure to comply with the rules and regulations governing sanitation issued by the Oregon State Board of Health shall be prima facie evidence of violation of this ordinance.

SECTION 6. PENALTY FOR VIOLATION: Any person violating any of the provisions of Section 1 hereof or failing to meet the minimum requirements in Section 4 hereof or failing to comply with the provisions of Section 5 shall be deemed guilty of a misdemeanor and shall be subjected to those penalties provided in Section 1.04.010 of the Albany Municipal Code.

SECTION 7. EMERGENCY CLAUSE: Whereas, it is necessary for the immediate preservation of the public health and safety of the inhabitants of the City of Albany that this ordinance shall become immediately effective, an emergency is hereby declared to exist and this ordinance shall take effect immediately from and after its passage by the Council and approval by the Mayor.

Passed by the Council: April 26, 1978

Approved by the Mayor: April 26, 1978


Mayor

Effective Date: April 26, 1978

ATTEST:


City Recorder