

THE COUNTY COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF GRANT

FEB 28 2019

BRENDA PERCY COUNTY CLERK  
By 

In the Matter of implementing authority to enforce the subsurface program delegated to Grant County by the State of Oregon for onsite septic systems.

Ordinance 2019-04

WHEREAS, the State of Oregon has delegated to Grant County authority to enforce the subsurface sewage disposal program for onsite septic systems;

NOW THEREFORE, BE IT ORDAINED BY THE COURT OF THE COUNTY OF GRANT, STATE OF OREGON:

Section 1:     **Purpose**

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 February 06, 2019, pursuant to ORS 454.605 through 454.780, including appendices, are adopted as regulations by Grant County and shall have full force and effect as law in Grant County. These rules include OAR 340-012-0060. The Administrative Rules are adopted as part of this Ordinance and are incorporated into this Ordinance by this reference. Violations of this Ordinance shall be measured by the technical and other standards found in said rules.

Section 2:     **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.

**Section 3: 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.

**Section 4: Violation Proceedings**

1. The Public Health Administrator is delegated the authority to designate, from time to time, specific employees of the Harney<sup>1</sup> County Building Department On-Site Specialists that are authorized to issue citations for the commission of violations of this Ordinance. 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 Ordinance shall be deemed to be "violations", within the meaning of ORS 153.008. Violations of this Ordinance 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 Grant County ordinances.

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<sup>1</sup> At the time of this ordinance, Grant County will be using the Harney County Building Department On-Site Specialists to perform inspections and issue citations. Nothing in this ordinance prevents Grant County from implementing a future change to this provision.

**Section 5: Contested Case Proceedings**

Enforcement Officers may enforce violations of this Ordinance 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.

**Section 6: Public Nuisance**

Any facility that is operated in violation of this Ordinance is a public nuisance and dangerous to health and may be abated or enjoined in any manner provided by law.

**Section 7: Amendments**

All amendments to the Oregon Revised Statutes and Oregon Administrative Rules adopted and incorporated into this Ordinance shall automatically be adopted into this Ordinance as well, with the same effective dates as that set forth in such amended statutes and rules.

**Section 8: Remedies Not Exclusive**

None of the remedies available to Grant County as set forth in this Ordinance are exclusive. Nothing in this Ordinance shall preclude any remedy otherwise available to Grant County, either in law or equity, including enforcement under Grant County Ordinances.

**Section 9: Delegation**

1. The Public Health Administrator is delegated the authority to carry out the provisions of this Ordinance, 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.

**Section 10: Severability**

If any section or part thereof of this Ordinance shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirements of this Ordinance.

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Section 11:    **Emergency**

This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance takes effect upon passage.

DATED, this the 21 day of February, 2019.

GRANT COUNTY COURT

Scott W. Myers  
Scott W. Myers, Judge

Jim Hamshef  
Jim Hamshef, Commissioner

Sam Palmer  
Sam Palmer, Commissioner

Attest: Laurie Wright  
Laurie Wright, Admin. Assist.